M I N U T E S

M E E T I N G OF M A Y 19, 1980

" E M E R G E N C Y S E S S I O N "

B O A R D OF C O U N T Y C O M M I S S I O N E R S

D A D E C O U N T Y, F L O R I D A

Miami, Florida, May 19, 1980

The Board of County Commissioners met in Emergency Session in the Mayor's Conference Room, Room 245, Dade County Courthouse, at 10:15 A.M., May 19, 1980, there being present, Mayor Stephen P. Clark; Commissioners Barbara M. Carey, William G. Oliver, Beverly B. Phillips, Harvey Ruvin, Barry D. Schreiber (Commissioner Ruth Shack was absent on official County business, Commissioner James F. Redford, Jr., was absent because of illness, and Commissioner Clara Oesterle was absent); Richard P. Brinker, Clerk of the Circuit and County Courts; Deputy Clerks William E. Koch and Raymond Reed; Assistant County Attorney Murray A. Greenberg; County Manager Merrett Stierheim; Assistant County Manager Dewey Knight; and Mr. Bobby Jones, Director, Public Safety Department.

Mayor Clark stated that this Emergency Session was called pursuant to his verbal request, which received the concurrence of those Commissioners present, and the purpose of the meeting is for the County Manager and Public Safety Director to brief everyone on the situation which now concerns everyone in Dade County.

County Manager Stierheim stated that he will defer the law enforcement aspect of the situation to the Public Safety Director as to his actions in this matter along with the cooperations received from the National Guard, the Highway Patrol, the Marine Patrol, the outlying Sheriff's Offices, etc. He said everyone can be proud of the men and women of the Public Safety Department who have done a fantastic job in directing this situation for 24-hours a day. He stated he was there and has personally seen the activities taking place. He said a calm situation existed in the early morning hours and minimal activities occurred as compared with the previous night - there were some minor incidents, but by and large the residents honored the curfew. He stated he was in the area and observed first hand what had happened, and a great deal of credit has to go to the Mayor, members of the County Commission, City elected Officials and various community leaders who were present at the kitchen cabinet meetings yesterday morning, the Community Action Agency meeting at noon, and the Community Relations Board meeting in the afternoon, because the white arm bands worked. He stated these volunteers were on the streets telling the residents to go home, and the combination of that type of leadership from the community, combinedwith the concerted effort of the Law Enforcement Agencies and National Guard, brought a sense of calm in the community that prevails this morning. He said this does not mean there will not be further problems, or that we are out of the woods; however, it is encouraging. He stated one of the terribly sobering aspects of hisdrive through the affected area (the Sheriff and he went through the neighborhood twice, once with the Governor's people, and earlier, about 2:00 A.M.) is that it was noted that a number of long established businesses were destroyed, and probably thousands of jobs, of which a great majority (approx. 99%) were Black citizen positions, have been eliminated. He stated not just white entrepreneurship businesses were affected, and there is no rhyme or reason for the destruction. He said he noted that Mr. Kilpatrick's little market was looted. He stated Mr. Kilpatrick has been a community leader for many years, and he serves as chairman of the Citizens Advisory Committee for the Central District. He said long established businesses, such as Earl's Market, Norton Tire, hardware stores, electrical stores, etc., were burned to the ground. He stated the total community, not just the Black community, has paid a terrible price. He said he has requested that the County send assessment teams into the field, with several Departments participating block by block, and they are out there at the present time to determine how many structures have been destroyed and how many businesses have been looted or vandalized in order to be apprised of employment, displacements, property losses, etc. He said he will submit a report to the Board as soon as this information is available. He stated it is possible that the County Commission can appeal to the Governor and Federal Authorities for small business loans and other types of relief in order to correct the problems.
Public Safety Director Jones stated that the situation was very bad, and although he has cautious optimism he cannot really say that the County is out of the woods as yet.

He said it is his hope that the strategies employed in getting the community involved and getting the people out on the streets did a tremendous amount of good. He stated that the imposition of the curfew had a positive effect because it gave the good people that did not want to be out on the streets the opportunity to stay at home. He said the willing compliance with the curfew indicated that only minimal kinds of enforcement action had to be taken. He stated that only a few arrests were made for curfew violations since there were very few people on the streets, and in that respect, it had quite a positive effect. He said he was not in a position at this time to recommend the lifting of the curfew although the situation is under control at this point and his Department has access to all areas of the Central District, with the patrol cars coming and going freely; also, fire equipment is able to move into the area. He stated that snipping is minimal, and no incidents of this type have been reported since last evening at approximately 11:45 P.M. He said in connection with looting only spasmodic arrests have been made up until 3:00 or 4:00 this morning. He advised that 19 fatalities have been associated with this situation; approximately 400 cases of personal injuries; and upward of 400 arrests have been made. He said it is his hope, at this point, that the situation stabilizes enough so that it can be held on to and avoid any further loss of life and property damage. He stated a low level of law enforcement profile must be maintained, and the manpower is committed to do that. He stated he has been on the telephone with the Governor constantly over the past few days and the Governor has been very responsive. He said there is enough National Guardsmen here at present to get the job done, and other law enforcement agencies have been more than cooperative. He stated Chief Harms, of the City of Miami, has done an excellent job in the City because he has been confronted with the same situation, which in some cases has been worse than in the County. He said the situation today is tremendously improved, which he did not expect, but he advised the use of caution and restraint and hope that some provocative incident does not occur and further increase tensions and exasperate the situation and have another night of real problems.

Commissioner Ruvin questioned the preventative measures which have been taken on the streets to insure the safety of school children.

County Manager Stierheim stated that the County parks are open, and Dr. Britton, of the School System, has assigned additional recreational areas for people in the school system. He advised that this has all been coordinated with Mr. Byrd of the Parks and Recreation Department.

Commissioner Schreiber questioned if it is known approximately when the schools will reopen and if, when they do, preparations have been made to handle any problems that might occur during school hours at school sites.

County Manager Stierheim advised that the reopening of the schools was a matter of extensive discussion with the School Officials during the "kitchen cabinet" meeting. He said Dr. Britton is greatly concerned about this matter, and the County stands ready to aid the school system by supplying temporary support if needed.

Commissioner Schreiber said he had viewed the television broadcast of this incident, and it was his opinion that the most calming element was the appearance of Mrs. McDuffie. He questioned if she could be utilized more by her appearances and requests for calm.

County Manager Stierheim stated the fact that the County Commissioners and other City Officials were able to appear on live television was a very positive response.

Commissioner Oliver said that the people in the community are going to be the predetermining factor on whether or not the lid is kept on. He stated he cannot say enough about the courage and integrity of the persons who put on the white arm bands last night and went out on the streets. He said this, in his personal opinion, is where the majority of the credit should go for having a quiet night.

Mr. Brinker advised that the Courts were in session continuously and the Judges were in session all night long in the Justice Building dealing with those persons brought in on burglary charges. He said in most cases the people were not kept in jail but were released in custody of some member of their families. He stated the records were kept, and if a person was to reappear he would be in real trouble; however, to the best of his knowledge, there were no repeaters.

Commissioner Ruvin stated it must be realized there are a lot of causes for this situation and it cannot be placed on the reaction to a verdict in the McDuffie case. He said the Board should institute whatever action is necessary to clean up in the aftermatch of this problem. He stated in connection with the businesses that were affected that there is some legislation passed approximately 11 years ago, as a result of the riots in Detroit, that is still in the books, and it may still be that some emergency funding will be available for these business, especially those that have been burned out.

Commissioner Phillips stated that dealing with the property damage is one thing, but the main issue is the recreation and expansion of job opportunities. She said in no way is the summer youth employment program going to get the kids totally off the streets now because necessary funds are not available.

County Manager Stierheim stated that thousands of black jobs have been lost because of those businesses being burned down or gutted, and when it is realized that we have 30,000 Haitian refugees, 10,000-12,000 or so Cuban refugees - the combination of this refugee situation and the fact we are moving into a recession, plus the fact that over night we lost thousands of jobs, the position in this area is becoming very serious. He said the constriction of the Federal Government and the disruption of the CETA program has taken away a lot of flexibility, and it poses to this community one of the greaters challenges that it can face.

Commissioner Ruvin questioned if the County has the capability of aiding the families of the 19 persons who were killed during this uprising.

County Manager Stierheim stated that compassion tells him to say "yes"; however, he said he will have to assess the situation further to determine the County's flexibility, and also include what can be done for those persons who were critically injured or who required surgery.

Public Safety Director Jones advised that there is a Victims Advocacy Program under State Law where these persons might be eligible for some kind of compensation.

Commissioner Ruvin suggested that a further investigation be made into the Victims Advocacy Program to see if these victims may receive any benefits.

Commissioner Carey advised that she has been on the scene for 24 hours, and it is her hope that the action taken will be in the right direction. She said that many persons believe the McDuffie verdict is the overwhelming thing that caused the riot or civil unrest, but it is not. She stated that this was caused by somethings that have been festering for several months or years, but she was happy that the situation has calmed down and that some action will be taken to restore order. She said the young people should be gotten off the streets this summer. She stated after yesterday's C.R.B. "kitchen cabinet" meeting, she met with some persons who are working closely in the streets and in contact with the ones causing the disturbances, the riots, the looting, etc., who are making certain demands, and it was her hope that something can be done for these people in order to show them that the County is acting in good faith.

Commissioner Phillips suggested that Staff re-evaluate the Budget with regard to the cuts being made in the appropriation to various Departments in order to make sure that some items which have been deleted have not been done at the expense of the community. She said all attempts should be made to provide services to the people.

Commissioner Oliver stated that persons concerned about the budget should understand that there are more important things than the budget and tax problems. He said this Commission when the time comes and whatever comes out of the Legislature should do what it knows must be done, and it is time to say to Harry Wilson and other people in the community that there are other things that must be considered beside their personal tax bills. He said the Board should take whatever action if necessary in order to hold this community together.

Commissioner Schreiber questioned if there is a time scheduled regarding the reinstitution of a full bus operating schedule.

County Manager Stierheim stated that he made the decision to cease bus operations in the affected areas because he did not want to run the risk to having the bus fleet debilitated. He said many of the facilities are staffed by white persons, and the way the situation is when you cannot send policemen and firemen into the area, you cannot send regular employees in. He stated there are no garbage collections being made in the area, and the 62nd Street Clinic and other various facilities have been closed. He said the parks have been kept open because of the young people and the fact that the schools were closed. He stated that he would like to reinstitute all the services as quickly as possible, and if the situation continues the same as it has been since last night and this morning, those services will commence shortly. He said he has asked for a check at all the National Guard check points to see how many cars are leaving the area to determine if the people were going to work or leaving for some other reason. He stated that as of 2:00 A.M. this morning, cars were being hauled out of the area, and maybe the Dempster Dumpsters will be rolled as well as street sweepers to clean up the intersections. He advised everyone that there are a lot of things that will be done.

Commissioner Schreiber stated that he was concerned about the people in the community who had to go elsewhere to their jobs. He said, regardless of the situation, some provisions have to be made for transportation in the affected areas, and this activity should be given some serious thought.

County Manager Stierheim agreed with Commissioner Schreiber, and as soon as it is felt self enough to run the busses and safe for the passengers, the equipment will be moved back into the area.

Commissioner Phillips suggested that members of the Board go into the area as soon as possible to see for themselves the situation that exists.

County Manager Stierheim stated that transportation could be arranged for the members of the Board wishing to go into the area to view the damage.

Commissioner Carey advised that she had made a tour of the area yesterday, and no one has any idea of how bad the situation is. She said it is her understanding that today there will be a couple of meetings around town and could not say what the situation will be.

County Manager Stierheim stated that he was concerned over the fact that several well-respected Black leaders will be coming into the County, and he said it is his pleasure that everyone appeal to the people for calmness

Assistant County Manager Dewey Knight advised that he has just left a Community Relations Board meeting and there is another meeting waiting to get started. He said the persons attending these meetings are ones who work with various agencies and institutions in the community. He said there is another meeting, which has been requested by Commissioner Carey, Bob Simms, and Rev. Elligan, when it was learned of the possibility of a mass rally today. He said it has been suggested in the "kitchen cabinet" meeting of massive movements. He stated there is still looting going on, and people have been requested to stay away from the areas that have not been secured.

I HEREBY CERTIFY THAT THE ABOVE ... IS A TRUE COPY OF THE ORIGINAL ...

Commissioner Carey advised that she received a message a moment ago from Andy Young, who is waiting for a message regarding a rally.

Assistant County Manager Knight said that the National figures can be of great benefit if they will listen to what the County has to say about the situation, and then go rapidly back to Washington to obtain some resources to be used to rebuild the community.

Commissioner Oliver stated that if the National figures that are here really want to accomplish something they should not go a rally where they can stir things up, but they should go on the radio and TV and talk to the people to remain calm.

Mayor Clark advised that on a previous occasion several years during the Republican Convention on Miami Beach, the same sort of situation existed and in about 24 or 36 hours everything was calm and back to normal; however, the [illegible]vernor of Florida, Mr. Kirk, along with a former Mayor of this community, came into the area and everything broke loose again. He therefore suggested at this point and time that public officials or National figures should not attend any rallies because it was his opinion that the situation will blow higher than the sky. He said it happened before and it can happen again.

Commissioner Ruvin stated he was concerned over a report that depicted groups of whites going into the area and doing some sniping. He questioned if this report was true.

County Manager Stierheim stated that rumors run rampart. He said, of course, that there will always be random incidents - one being where a black was shot and the persons responsible were arrested and in jail at this time.

Public Safety Director Jones advised that there is only one incident that can be verified, that being where a group of whites in a truck came into the area and shot two black people, and those persons were arrested.

Commissioner Phillips suggested that the School Board make every attempt to open the schools that can conceivably be opened tomorrow, at least the Junior Highs and Senior Highs, and get the children off the streets.

Mayor Clark stated that he is receiving a substantial number of calls from persons who are to appear in tomorrow's County Commission meeting, saying they will not be able to appear. He said public hearings cannot be that without the public appearing. He questioned members of the Board what they desire to do with regard to tomorrow's meeting.

Commissioner Ruvin suggested that the meeting be held as scheduled, and it can be determined at that time if there is an adequate amount of persons present for the public hearings. He said certain items can then be deferred to another time.

Members of the Board agreed to meet tomorrow in regular session and make any decisions at that time.

County Manager Stierheim stated that he would like the Mayor to go through the area, but the question is to when the tour may be made.

Commissioner Oliver responded by saying that the various Commissioners have different time schedules; therefore, it was his suggestion that each of the Commissioners arrange to make the tour after examining their personnal commitments.

Commissioner Schreiber noted that the schedule calls for an opening ceremony tomorrow at the Allapattah Center, which is in the affected area; also, he has scheduled for Friday the ceremony at a center located at NW 32nd Avenue and 207th Street, which is also in the affected area.

Commissioner Phillips noted that the opening ceremony scheduled for tomorrow at the Allapattah Center has been cancelled.

County Manager Stierheim suggested that the Board, in the regular meeting set for tomorrow, make the decision with regard to the center at NW 32nd Avenue and 207th Street, or at least wait another 24 or 48 hours before making the decision.

Commissioner Ruvin noted that on Wednesday, May 21, 1980, there is going to be a presentation before the Federal Grand Jury, and Ms. Janet Reno, the [illegible] Attorney, has advised she will cooperate in that effort. He questioned if there is anything the County can do to cooperate and help in that presentation. He stated the Governor has said, in his statement which he deemed as excellent, that on May 21, 1980, he has been assured by the United States Attorney that there will be a presentation of the first pieces of evidence to the Federal Grand Jury regarding the possible Civil Rights violations, and with regard to the McDuffie situation, there will be further action and further investigations and potentially further sanctions employed.

Mayor Clark stated that the Board, although it was not in official session yesterday, considered a proposed resolution offered by Commissioner Shack which will do exactly what Commissioner Ruvin is discussing, that the County encourage the Federal Government to proceed with its position.

County Manager Stierheim said Commissioner Shack suggested that the Board adopt a resolution and so go on record on this matter. He stated that the Sheriff has already been working closely with the State Attorney and others in this regard, and the Board must determine whether or not it will consider such a proposed resolution.

Assistant County Attorney Greenberg advised that the proposed resolution will be presented to the Board for consideration in tomorrow's meeting.

Mr. Nathan Handy, President, Transport Workers Union, appeared and stated that the bus operators are being put into a peculiar position at this time. He said persons in the NW area, who are law abiding citizens, must go to work on the Beach. He added that once these people get back downtown from the Beach, they cannot get back home because if the transportation goes into the area, there will be persons who will retaliate against this. He requested the Board to cancel all bus service until bus service is again commenced throughout Dade County.

County Manager Stierheim suggested that Mr. Handy meet with him and Mr. Gerlach at the conclusion of this meeting in order to discuss whether or not bus service can originate within the district.

Commissioner Oliver stated that there is no one here at this time that does not have empathy with the persons who cannot get to work, but it is not worth somebody loosing his life. He said he did not want the busses rolling until it can be assured that the people, the riders and the drivers, will be safe.

County Manager Stierheim stated that the concerns are noted, and he will discuss the bus operation further with Mr. Handy and Mr. Gerlach immediately after this meeting in his office.

Mayor Clark thereupon declared that there was no further business to be considered at this time, and adjourned the meeting.

Chairman

ATTEST: RICHARD P. BRINKER, Clerk

Deputy Clerk

BOOK 50 PG 510

5(e)5. Commissioner Phillips presented the following resolution:

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH THE SCHOOL BOARD OF DADE COUTNY, FOR THE PROVISION OF AFTER SCHOOL CARE PROGRAMS AT COMMUNITY SCHOOLS IN DADE COUNTY; AND AUTHORIZING COUNTY MANAGER TO EXERCISE RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN.

and moved its adoption. This motion was seconded by Commissioner Oesterle and upon being put to a vote, passed by a vote of 7-0, Commissioners Ruvin and Shack were absent.

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned #R-1233-79.

5(e)6. Commissioner Phillips presented the following resolution:

RESOLUTION APPROVING WAIVER OF LIQUIDATED DAMAGES IN CONNECTION WITH DEVELOPMENT OF TROPICAL PARK, PROJECT NO. 660230-B, WITH ROSSER ELECTRIC COMPANY, INC.

and moved its adoption. This motion was seconded by Commissioner Oesterle and upon being put to a vote, passed by a vote of 7-0, Commissioners Ruvin and Shack were absent.

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned #R-1234-79.

5(e)7. Commissioner Phillips presented the following resolution:

RESOLUTION AUTHORIZING EXECUTION OF RETROACTIVE AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES, MEDICAL EXAMINERS COMMISSION FOR MEDICAL EXAMINERS FUNDING, FOR THE CONTINUED IMPROVEMENT AND UPGRADING OF THE MEDICAL EXAMINER SERVICES; AND AUTHORIZING COUNTY MANAGER TO EXERCISE CANCELLATION PROVISION CONTAINED THEREIN.

and moved its adoption. This motion was seconded by Commissioner Oesterle and upon being put to a vote, passed by a vote of 7-0, Commissioners Ruvin and Shack were absent.

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned #R-1235-79.

5(e)8. Commissioner Phillips presented the following resolution:

RESOLUTION AUTHORIZING [illegible] RETROACTIVE CONTRACT WITH THE UNITED STATES DEPARTMENT OF JUSTICE, MARSHALS SERVICE, FOR THE DETENTION OF FEDERAL OFFENDERS IN THE DADE COUNTY CORRECTIONS AND REHABILITATION DEPARTMENT DETENTION FACILITIES; AND AUTHORIZING COUNTY MANAGER TO EXERCISE CANCELLATION PROVISION CONTAINED THEREIN.

and moved its adoption. This motion was seconded by Commissioner Oesterle and upon being put to a vote, passed by a vote of 7-0, Commissioners Ruvin and Shack were absent.

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned #R-1236-79.